REMARKS

Rejection Under 35 U.S.C. §102

Claims 319-333, 335-362 were rejected under 35 U.S.C. § 102(e), as being anticipated by Ju et al. (U.S. 6,664,079). The Examiner states that Ju et al. discloses a dye composition comprising a fluorescent dye (col. 13) linked to a moiety comprising an aromatic group, heteroatomic substituents, unsaturated group and peptide linkage (NH-CO), that the composition is covalently attached to a target via a carbon-carbon linkage, and that the target can be a nucleotide analog. (see Figure 7, 15b and 16). The Office Action also states that Figure 16 shows ring structure comprising ring structures having polar or charged units such as SO_3.

Applicants respectfully disagree. Although certain elements of claims 319-333 and 335-362 are present in Ju et al., one limitation is not: that the linker arm (L) comprise "at least two consecutive polar rigid units". This is shown in Figure 7 of Ju et al. where an acyl group is separated from a peptide group by a CH_2 moiety. While one might consider these two rigid units, the acyl bond is neither polar nor consecutive with reference to the peptide unit. The photocleavable linker (in brackets) that is also in this diagram does not depict "two consecutive polar rigid units". Figure 15B of Ju et al. shows the linker joining two dyes for energy transfer as having a peptide bond adjacent to an aromatic ring. Although this may constitute "two consecutive rigid units", the aromatic rings in these compounds are nonpolar and as such, fail to meet the limitation of "two consecutive polar rigid units" (emphasis added). Finally, while Figure 16 shows the presence of ring structures having polar or charged units such as SO_3, once again, we can see that there is no linker arm present that comprises "two consecutive polar rigid units". As such, Ju et al. does not anticipate claims 319-333 and 335-362.

Claims 344-345 have also been rejected because they do not specifically state that the R group is limited to the metallo-organic moiety. Applicants respectfully believe that there has been a misunderstanding by the Examiner. Claim 343 states that the reactive group R comprises an alkene group, an alkyne group, a halogenated compound **or** a metallo-organic compound. Only one of these may comprise the reactive group. If the reactive group is chosen to be a metallo-organic compound, then claim 344 lists various metals that may be useful, and claim 345 provides numerous organic groups that may be useful.

SUMMARY

In view of the foregoing remarks, Applicants respectfully request reconsideration and withdrawal of the rejections and objections of record of claims 319-333 and 335-362. Early and favorable action is respectfully requested.

No other fee or fees are believed due in connection with this paper. In the event that any fee or fees are due, however, the United States Patent and Trademark Office is hereby authorized to charge any such fee or fees to Deposit Account No. 05-1135, or to credit any overpayment thereto.

If a telephone conversation would further the prosecution of the present application, Applicants' undersigned attorney requests that she be contacted at the number provided below.

Respectfully submitted,

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